

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JAMES STEVENS,

Plaintiff,

Case No. 1:12-cv-90

v.

HON. JANET T. NEFF

MICHAEL GRAFOS, et al.,

Defendants.

**ORDER**

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. Defendant Spring filed a Motion to Dismiss (Dkt 104). The matter was referred to the Magistrate Judge, who issued a Report and Recommendation on August 6, 2015, recommending that this Court grant Defendant Spring's motion. The Magistrate Judge also recommended that Plaintiff's claims against Defendant John Doe be dismissed without prejudice for failure to timely effect service. The Report and Recommendation was duly served on the parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Therefore,

**IT IS HEREBY ORDERED** that the Report and Recommendation (Dkt 116) is APPROVED and ADOPTED as the Opinion of the Court.

**IT IS FURTHER ORDERED** that Defendant Spring's Motion to Dismiss (Dkt 104) is GRANTED.

**IT IS FURTHER ORDERED** that Plaintiff's claims against Defendant John Doe are DISMISSED WITHOUT PREJUDICE for failure to timely effect service.

**IT IS FURTHER ORDERED** that this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this decision would not be taken in good faith. *See McGore v. Wrigglesworth*, 114 F.3d 601, 610 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199, 206, 211-12 (2007).

Dated: August 31, 2015

/s/ Janet T. Neff  
JANET T. NEFF  
United States District Judge